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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,234	09/29/2005	Daniel Murray Ellis	70159USPCT	1887

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EXAMINER

KUBELIK, ANNE R

ART UNIT PAPER NUMBER

1638

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	03/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-4 and 9-12, drawn to a nucleic acid and plants comprising it.

Group II, claims 22-23, in part, and claims 13-14 and 24, drawn to a method of detecting plant material derived from the COT102 event comprising using primers and PCR and a kit for use in the method.

Group III, claims 15-17, 22-23, and 27, all in part, drawn to a method of detecting plant material derived from the COT102 event comprising using a hybridization probe of SEQ ID NO:5 and a kit for use in the method.

Group IV, claims 15-17, 22-23, and 27, all in part, drawn to a method of detecting plant material derived from the COT102 event comprising using hybridization probe of SEQ ID NO:6 and a kit for use in the method.

Group V, claims 15-17, 22-23, and 27, all in part, drawn to a method of detecting plant material derived from the COT102 event comprising using hybridization probe of SEQ ID NO:7 and a kit for use in the method.

Group VI, claims 22, in part, and claims 18-20, 25-26 and 28, drawn to a method of detecting plant material derived from the COT102 event comprising using antibodies and a kit for use in the method.

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Group VII, claims 22, in part, and claims 21 and 29, drawn to a method of detecting plant material derived from the COT102 event comprising using insects and a kit for use in the method.

The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

These groups are deemed to lack unity of invention because they are not so linked to form a single general inventive concept. The nucleic acids of Group I are not related in any way to the method in Group VII of testing the insecticidal activity of a sample.

Further, Birren et al (GenBank Accession No. SC 120146, cited in the Preliminary Examination Report) teach 21 contiguous nucleotides of SEQ ID NO:1. Thus, claim 1, among others, is not novel.

Additionally, WO 96/10083 (cited in the Preliminary Examination Report) teach the VIP3A protein and testing the insecticidal activity of a sample. Thus, claim 21 is not novel.

Therefore, the Groups are not so linked under PCR Rules 13.1 and 13.2.

Applicant is reminded that a determination regarding unity of invention is made without regard to whether a group of inventions is claimed in separate claims or as alternatives within a single claim (MPEP 1893(d), last paragraph).

Applicant is advised that for the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne R. Kubelik, whose telephone number is (571) 272-0801. The examiner can normally be reached Monday through Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg, can be reached at (571) 272-0975.


The central fax number for official correspondence is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

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Anne Kubelik, Ph.D.
March 20, 2007



ANNE KUBELIK, PH.D.
PRIMARY EXAMINER